

# Superior Court frequently asked questions concerning COVID-19

Frequently asked questions about the Superior Court's procedures in response to the coronavirus (COVID-19) pandemic. Updated Sep. 15, 2022.

## General FAQs

### Q. Are the courts open?

Yes. Courthouses are open for business but may continue to hear some civil and criminal matters virtually, i.e., by telephone or videoconference, consistent with constitutional, statutory, and other applicable rights.

The following proceedings presumptively will be held **by videoconference**, unless otherwise ordered:

- Criminal cases:
  - bail hearings for persons in custody who waive physical presence in the courtroom;
  - bail reviews and non-testimonial hearings for reviews of G.L. c. 276, § 58A dangerousness determinations for persons in custody;
  - hearings on G.L. c. 276, § 58A motions without witnesses;
  - status and scheduling conferences;
  - discovery conferences, including hearings on non-evidentiary motions (where a hearing is warranted, and defendant waives physical presence);
  - pretrial conferences; and
  - probation status conferences.
- Civil cases:
  - initial case management conferences;
  - discovery disputes, motions to compel, motions for protective order (if hearing warranted);
  - scheduling conferences;
  - final pretrial conferences;
  - motions to dismiss;
  - motions to amend complaint (if hearing warranted);
  - motions for default judgment/assessment of damages; and
  - motions to set aside default (if hearing warranted);
  - medical malpractice tribunals.

The following proceedings presumptively will be held **in person**, unless otherwise ordered:

- Criminal cases:
  - initial bail hearings for persons not in custody;
  - 58A dangerousness hearings with witnesses;
  - motions to dismiss and suppress;
  - plea conferences and plea hearings pursuant to Mass. R. Crim. P. 12;

- *Daubert-Lanigan* hearings;
  - final trial conferences, including motions *in limine*;
  - trials;
  - sentencing hearings; and
  - initial and final probation violation hearings.
- Civil cases:
    - injunction hearings, including *ex parte* motions for injunctions;
    - hearings on equitable motions, including motions for attachment, trustee process, reach and apply;
    - proceedings involving credibility determinations;
    - motions for summary judgment;
    - *Daubert-Lanigan* hearings;
    - final trial conferences, including motions *in limine*; and
    - trials.

See [Superior Court Standing Order 1–22: Videoconferencing of Court Events \(effective Sep. 1, 2022\)](#).

For any videoconference hearing involving a self-represented litigant (SRL) with limited access to, or limited facility with, videoconference technology, the court shall assist the litigant to enable participation by videoconference or shall offer an alternative means of participating virtually.

A “hybrid” proceeding may be held, that is, one consisting of some participants appearing in person and some appearing virtually, on request and in the discretion of the court, and consistent with constitutional, statutory, and other applicable rights. Any participant who requests to appear virtually at an in-person proceeding shall have no grounds to object to any other participant appearing in person.

Information on public access to virtual proceedings shall be available from the Superior Court Clerks’ Offices.

## Q. Who can enter a courthouse and do visitors have to wear masks?

Anyone may enter a courthouse UNLESS the person:

- has tested positive for COVID-19 in the past 5 days;
- is waiting for COVID-19 test results after experiencing COVID-19 symptoms;
- has been directed to isolate or quarantine;
- currently has COVID-19 symptoms;
- is not up to date on vaccinations and has been in close contact with someone with COVID-19 within the past 5 days.

If someone is scheduled to appear in court or has an appointment in the courthouse but cannot enter the courthouse because of one or more of the reasons listed above, the person should:

- If the person is represented by an attorney, contact the attorney; or
- If the person has no attorney, call the registry or clerk’s office for the court where the person is scheduled to appear or would seek relief; or
- If the person is an attorney and is scheduled to appear before a judge, contact the registry or clerk’s office or, if practicable, that session directly by telephone; or

- If the person is scheduled to meet with a probation officer, contact the probation officer or applicable probation office directly by telephone; or
- If the person is a juror sitting on an ongoing trial or grand jury or appearing for empanelment, call the telephone number the person was provided when seated on the jury or summoned for empanelment; or
- If the person is a potential juror appearing for the first day of service, contact the Office of Jury Commissioner; or
- If in doubt as to whom to contact, call the registry or clerk's office for the particular court in which the person was scheduled to appear.

Wearing a mask to court is encouraged but no longer required for court staff and users. There will no longer be health screening and temperature checks at the door.

### Q. Can I bring a cell phone or other personal electronic device into a courthouse?

Courts allow cell phones and other personal electronic devices (such as computers, tablets, and Bluetooth devices) in courthouses, but users must follow the rules in [Trial Court Administrative Order 21-1: Order Concerning Trial Court Policy on Possession & Use of Cell Phones & Personal Electronic Devices](#), effective June 15, 2021, posted at the entrance to each courthouse.

### Q. How can I file something in Superior Court?

Clerks' Offices are open to the public for in-person business. They accept pleadings and other documents by regular mail, by electronic filing or eFiling (in civil cases, in all counties), or, if specifically allowed by a Clerk's Office, by leaving material in a dropbox in the courthouse. To learn whether a Clerk's Office uses a dropbox, or to ask any other question about how to submit materials to a Clerk's Office, contact the specific Clerk's Office — contact information is found on the [Superior Court location contact pages](#); click on the county you are looking for to access contact information.

### Q. Can I speak to someone in person at a specific county Clerk's Office?

Clerks' Offices are open to the public for in-person business. Users may call the Clerk's Office during regular court hours, which are posted on each office's contact page, or users may email the office using the address provided on the relevant [Superior Court location contact page](#).

### Q. Can I access my case online?

Certain case types listed below can be accessed and viewed via [MassCourts](#).

#### **Civil case types:**

- Administrative civil actions
- Actions involving the state or a municipality
- Business litigation

- Civil actions with incarcerated party
- Contract or business cases
- Equitable remedies (e.g., injunctions)
- Miscellaneous civil actions
- Real property
- Sexually Dangerous Person—determination
- Sexually Dangerous Person—exam & discharge
- Torts

**Criminal case types:**

- Bail petitions\*
- Criminal complaints\*
- Indictments\*
- Legacy SDP (only Suffolk Criminal)\*
- Probation transfers\*

**\*Note** — for criminal case types, you must have your exact docket number.

You can find additional information on what can be accessed online, on the [Search Court Dockets, Calendars and Case Information page](#).

## Q. What is the status of jury trials and bench trials?

Jury trials have resumed, with the following limitations:

- Priority is given to cases where a criminal defendant, juvenile in a youthful offender case, or petitioner or respondent in a sexually-dangerous-persons case is in custody
- Criminal cases in Superior Court may be tried to juries of 6, instead of juries of 12, with the defendant's consent (with defense peremptories limited to 4, and the Commonwealth's peremptories limited to the total number allowed for all defendants)
- Sexually dangerous person cases may be tried to juries of 6, instead of juries of 12, with the consent of all parties (with peremptories limited to 4 for each party)
- Civil cases in Superior court "shall be tried" to juries of 6, instead of juries of 12, with or without the consent of the parties (with peremptories limited to 4 for each party)

Bench trials presumptively are conducted in person unless otherwise ordered.

See Supreme Judicial Court seventh updated order regarding court operations under the exigent circumstances created by the COVID-19 (coronavirus) pandemic (effective July 12, [2021](#); amended Dec. 31, 2021, effective Jan. 3, 2022) ([SJC-7<sup>th</sup> Order](#)).